

## EXHIBIT R

Special Master's Hearing June 16, 2014

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UNITED STATES DISTRICT COURT

2

DISTRICT OF NEVADA

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4

CERTIFIED  
COPY

5

DANIEL SMALL, CAROLYN SMALL, )

WILLIAM CURTIN, DAVID COHEN, )

6

LANETTE LAWRENCE, and LOUISE )

COLLARD, Individually, and on )

7

Behalf of All Other Persons )

Similarly Situated, )

8

Plaintiff, )

9

vs. )

10

UNIVERSITY MEDICAL CENTER OF )

11

SOUTHERN NEVADA, )

12

Defendant. )

13

14

REPORTER'S TRANSCRIPT OF SPECIAL MASTER'S HEARING

15

VOLUME V

16

BEFORE SPECIAL MASTER PRESIDING, DANIEL GARRIE, ESQ.

17

Taken on Monday, June 16, 2014

18

At 9:33 a.m.

19

Taken at the U.S. District Court

20

333 Las Vegas Boulevard South, Courtroom 7-D

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Las Vegas, Nevada

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Reported By: Gale Salerno, RMR, CCR No. 542

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18 Also Present:

19 DOUGLAS E. FORREST, ESQUIRE, ILS  
MR. BRUCE PIXLEY  
20 MR. JOSEPH EDMONDSON  
DEAN SCHAIBLEY, UMC  
21  
22  
23  
24  
25

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1           SPECIAL MASTER GARRIE: When -- to the best  
2 of your knowledge, how long were you supporting  
3 Clarity, the database, for?

4           THE WITNESS: I started in 2005, and ever  
5 since then up to 2014.

6           SPECIAL MASTER GARRIE: And when in 2014  
7 did you stop using the Clarity database?

8           THE WITNESS: The database was shut down --  
9 the SQL server was shut down on May 5th, 2014.

10          SPECIAL MASTER GARRIE: Did that include  
11 the Clarity database?

12          THE WITNESS: Yes.

13          SPECIAL MASTER GARRIE: Up until that time,  
14 Clarity database was being written to?

15          THE WITNESS: Yes.

16          SPECIAL MASTER GARRIE: So that means  
17 records were being written into the system?

18          THE WITNESS: Yes.

19          SPECIAL MASTER GARRIE: Now, I had the  
20 fortunate opportunity to read the Clarity manual.  
21 Lucky for me I have a memory that doesn't usually  
22 require me to read things more than once.

23                 In the process of reading the Clarity  
24 manual, I came across a database yields that I was  
25 interested in.



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1 THE WITNESS: Okay.

2 SPECIAL MASTER GARRIE: It is very clear to  
3 me that Clarity can be used for -- based on the  
4 manual, it's used for project management. Is that  
5 your understanding as well?

6 THE WITNESS: Yes.

7 SPECIAL MASTER GARRIE: And within that  
8 function of project management, it also has time  
9 tracking capabilities fully built in and integrated  
10 throughout the entire application?

11 THE WITNESS: Yes.

12 SPECIAL MASTER GARRIE: And as far as I  
13 understand it, there are participants which are  
14 individuals that engage the system. There is a  
15 schedule, as well as a project calendar, which are  
16 different artifacts with views within the members  
17 within a project group can view against, as well as  
18 the schedule being a timetable used for determining  
19 performance of particular tasks?

20 THE WITNESS: That's correct.

21 SPECIAL MASTER GARRIE: And then on top of  
22 that, there are timesheets which enable resources --  
23 this is why I like technology people, right? People  
24 aren't people. Resources are people, right?

25 Because -- but, you know, fair recognition,

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1 any problem with you asking directly.

2 MR. FORREST: If I might, Special Master  
3 Garrie.

4 Is there a capability for exchange between  
5 data between the Kronos database and the SAP  
6 database?

7 SPECIAL MASTER GARRIE: Mr. Mendoza, before  
8 you answer that, there's a set of questions I have  
9 about that.

10 So the Clarity/Kronos, are they totally  
11 independent systems?

12 THE WITNESS: Yes.

13 SPECIAL MASTER GARRIE: Do they share data  
14 at all?

15 THE WITNESS: No.

16 SPECIAL MASTER GARRIE: So when data goes  
17 into one, there is no way to get the data seamlessly  
18 into the other?

19 THE WITNESS: Yes.

20 SPECIAL MASTER GARRIE: So if I put my time  
21 into Clarity and don't put it into Kronos, it's not  
22 recorded in Kronos but it is recorded in Clarity?

23 THE WITNESS: That's correct.

24 SPECIAL MASTER GARRIE: If I put my time in  
25 Kronos and it's not recorded in Clarity, it's not

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1 much.

2 I do want the remaining results provided --

3 THE WITNESS: Yes.

4 SPECIAL MASTER GARRIE: -- as soon as that  
5 is done.

6 And please just show, counsel for UMC, the  
7 additional Kronos applications you mentioned. While  
8 they've been provided in the entire Kronos database,  
9 I just want to make sure that all of the data --

10 THE WITNESS: I can.

11 SPECIAL MASTER GARRIE: Just show it to  
12 them. Just do as I asked. Show them the application  
13 to make sure.

14 THE WITNESS: Okay.

15 SPECIAL MASTER GARRIE: That's it. Thank  
16 you very much.

17 THE WITNESS: Thank you.

18 SPECIAL MASTER GARRIE: Let's go off the  
19 record for a second.

20 (A discussion was held off the record.)

21 SPECIAL MASTER GARRIE: I want to check in  
22 really quickly with the hard copy index.

23 Counsel for UMC, can you please give me an  
24 update?

25 MS. WITTY: We have agreed to a form for

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1 the index with plaintiffs' counsel. We are beginning  
2 to contact the individual custodians for the specific  
3 groups of documents that have been identified as for  
4 the index. This is a list of more than 130  
5 individuals throughout the UMC.

6 SPECIAL MASTER GARRIE: Is it clear why  
7 former counsel hadn't found these paper documents? I  
8 realize you can't testify for former counsel, but I  
9 was reading through all of the e-mail exchanges  
10 around this, and it's a little befuddling to me that  
11 given that Ms. Panzeri testified that they were  
12 literally in her office. It wasn't like --

13 MS. WITTY: A significant amount of the  
14 documentation from Ms. Panzeri's office, as well as  
15 some of the other documents that are referenced in  
16 the hard copy index, will be duplicative of  
17 information that has already been produced, either  
18 through the opt-in packets or electronic versions.

19 However, we do believe that there is  
20 specific information, most notably the attestation  
21 forms, that were not kept prior to October of 2012,  
22 and would not have been an initial document collected  
23 by prior counsel.

24 SPECIAL MASTER GARRIE: Okay. I just  
25 wondered.

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1 readdress with plaintiffs' counsel. The reason being  
2 is that many of these forms are for a specific date,  
3 and they have asked for the date range for the  
4 documents for each opt-in.

5 If an opt-in had a document from October of  
6 2012, and another document from March of 2013, it's a  
7 huge span of time, but we only have two documents  
8 from that. And because we believe that the more  
9 specificity the better, it takes an extreme amount of  
10 time to go through all of those documents to make  
11 sure that the dates are precise.

12 SPECIAL MASTER GARRIE: Let's go off the  
13 record.

14 (A discussion was held off the record.)

15 SPECIAL MASTER GARRIE: I'm going to order  
16 by the end of the week UMC to confer with their  
17 client at lunch and hopefully identify a room to put  
18 in the 48-plus banker boxes related to Ms. Panzeri's  
19 collection, as discussed earlier in these hearings;  
20 for plaintiffs to start reviewing pursuant to the  
21 protocol set forth.

22 I'm also going to order UMC by the end of  
23 next week to have identified all the 87 individuals  
24 to collect the attestation forms from.

25 I'm going to also order UMC to, by the end

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1 of next week, to have started producing the meeting  
2 minutes and other items Counsel Witty will state  
3 right now.

4 MS. WITTY: You're going to allow us time  
5 to look at the list?

6 SPECIAL MASTER GARRIE: Yes. So after  
7 lunch, UMC will present specifically what will be  
8 coming on a roll-in basis.

9 I'm also going to order UMC to do their  
10 best efforts to clear 15 departments a week.  
11 Recognizing from plaintiffs' side that there will be  
12 some weeks when you will get 20 and some weeks you  
13 will get five, because there will be departments of  
14 one and then departments of hundreds.

15 So it will vary, so they have a plus or  
16 minus factor of four. So anywhere between 11 and 19  
17 boxes could come across.

18 If it requires additional time, please let  
19 me know after lunch. But I'm assuming that once you  
20 identify the individuals, it's just a matter of  
21 getting on the phone with them and making them get  
22 you the paperwork and then sending someone over to  
23 collect it.

24 Am I missing something? Counsel for UMC is  
25 that --

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1 MS. WITTY: The only thing that we ask is  
2 that previously it had been discussed that UMC would  
3 provide custodian of record declarations, if there  
4 was any specific information.

5 SPECIAL MASTER GARRIE: Fair enough.  
6 Plaintiffs is to specify exactly what they want in  
7 the custodian of record declarations, what  
8 information they want.

9 MR. TOSTRUD: And these are for the  
10 individual departments, correct?

11 SPECIAL MASTER GARRIE: As to whatever was  
12 agreed upon earlier between you.

13 MR. TOSTRUD: Okay. That's fine.

14 SPECIAL MASTER GARRIE: You have to provide  
15 that to them by Wednesday.

16 MR. TOSTRUD: Okay.

17 SPECIAL MASTER GARRIE: Once you get that,  
18 that's supposed to come with each box, right? I'm  
19 assuming -- is that reasonable?

20 MS. WITTY: Yes.

21 SPECIAL MASTER GARRIE: So as the boxes  
22 come across, the declarations will come as well.

23 MS. WITTY: That is the intention.

24 SPECIAL MASTER GARRIE: Okay. All right.

25 Let's go back off the record.

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REPORTER'S CERTIFICATION

I, GALE SALERNO, a certified court reporter and notary public within and for the State of Nevada, do hereby certify that I reported in shorthand the proceedings in the above-entitled matter at the time and place indicated, and that thereafter said shorthand notes were transcribed into typewriting at and under my direction, and the foregoing transcript constitutes a full, true, and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of June, 2014.

  
GALE SALERNO, RMR, CCR No. 542